



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Building
26 Federal Plaza
New York, New York 10278

October 23, 2024

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BY ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
United States District Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Joseph Eugene Lemay*, S2 21 Cr. 573 (MKV)

Dear Judge Vyskocil:

The Government writes to respectfully request an adjournment of the October 24, 2024, deadline by which the Government must file its sentencing submission in the above-captioned case. As the Court is aware, on October 20, 2024, the defendant filed a motion alleging ineffective assistance of counsel owing to counsel's failure to advise him to attempt to cooperate with the Government in advance of trial. The defendant attributes counsel's failure to the fact that counsel was allegedly paid and "controlled" by an unindicted co-conspirator. (ECF No. 224). The Court has directed the Government to respond to the defendant's motion by today and has scheduled a conference to address the defendant's motion on October 28, 2024.

Sentencing is currently scheduled for October 31, 2024. Given the nature of the defendant's claims—that his trial counsel who submitted a sentencing submission on his behalf and presumably intended on representing the defendant at sentencing is ineffective—it appears unlikely that sentencing will be able to proceed on October 31, 2024, regardless of the merits of these claims. The Government is currently preparing its response, due today, to the defendant's recent claims and may need to address them in its assessment and recommendation of an appropriate sentence. The Government cannot do so on the current record. Accordingly, in the interests of efficiency, the Government requests that the deadline for its sentencing submission be adjourned to date determined at the conference currently scheduled for October 28, 2024.

This is the Government's first request for an extension of the deadline to file its sentencing submission. The Government has conferred with both Paul Lieber, Esq. and Eric Creizman, Esq., who consent on behalf of the defendant.

Respectfully submitted,

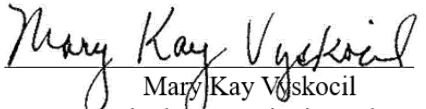
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cc: Counsel of Record (by ECF)

Granted. SO ORDERED.

Date: 10/23/2024
New York, New York


Mary Kay Vyskocil
United States District Judge